

**September 28, 2006 Minutes of
Bigfork Land Use Advisory Committee**

Members present: John Bourquin, Phil Hanson, Paul Guerrant, Darrel Coverdell, Shelley Gonzales, Clarice Ryan, Mary Jo Naïve

Darrel Coverdell moved the agenda be accepted as presented. Shelley Gonzales seconded the motion. Motion passed unanimously.

Minutes for the August 31, 2006 Regular Meeting were approved as mailed. Members expressed appreciation to Planning Office Staff for receiving more complete packets.

APPLICATIONS:

Item 1: A request by Rocky Mountain Recreational Communities, LLC for Preliminary Plat approval of the Harbor Village at Eagle Bend, Phase 6 Subdivision, a 2-lot, single family residential and 2 lot, commercial subdivision on 7.19 acres. Commercial lot 2 will contain 48 storage unit condominiums. Lots in the subdivision are proposed to use existing water and sewer systems. The property is located at 560 Holt Drive.

Staff: Kirsten Holland reported that the Flathead County Commission had determined that Harbor Village had 7 units left for development after Phase 5 approval. This application would use four of the seven units available. The application complies with RC1 Zoning requirements and plans to connect with Bigfork Water & Sewer district. The developer must have a formal contract with BWS to continue. Fire protection conditions require structures to be within 250 feet of fire hydrants and hydrants to be within 5 feet of asphalt. Residential lots have limited building area due to the terrain. The bike path easement will be a continuation of the previously approved easement for Lake Point, on the West side of Holt Drive.

Applicant: Dan Manning noted the developer has acquired additional acreage on the East side of Holt Drive since the original plat was approved. The Conditional Use Permit granted in 2002 allowed for the Harbor Village Marina Association to build boat storage on lot 3 and 4. The Association decided to sell condos rather than rent the units. Manning admitted the residential lots provided limited building area. He stated lot 2 has an elevated, flat area suitable for building and lot 1 might have to “push up” against the hillside for a building site.

BLUAC Questions:

Bourquin – with a 20-foot setback, it looks like only about 25 feet for a building site. Is that viable for a building site? No definitive answer.

Guerrant – Will condos be individually owned and each have a water and electric meter? Answer-each will be individually owned. The developer will leave 1 or 2 water faucets. Each condo will not have individual water hook-ups. No answer to electricity.

Ryan – expressed concern with the water level and standing water. Will the emergency exit from Lake Point be provided through this area? Answer-good drainage will be provided using the bar pit for storm drainage. The emergency exit for Lake Point will be provided (included in drawing).

Gonzales – The CCR have no provision for commercial operation. Answer-there will be a homeowner’s association for the condo storage units provided for in the Conditional Use Permit.

Naïve – How many units, how large and how tall? Answer-there are 48 rental condo units, average size 900 sq. ft., and equal height to the existing boat storage unit.

Naïve further expressed concern of standing water in lot 4 and asked the distance to the curve in Holt Drive to the residential lot access. Answer-there will be proper drainage provided. Distance to the corner is approximately 180 feet.

Bourquin – Asked to see a copy of the Conditional Use Permit. Answer-copy of the Conditional Use Permit, approved January 3, 2002, was shown to the Committee.

Bourquin further asked about the berm on the west side of Holt Drive, how would you camouflage the storage units? Answer-no plans have been made although there are a few trees planted there.

Gonzales – Will you extend the berm between Lake Point and lots 3 and 4? Answer-no definitive answer.

Public Comment:

Craig Wagner – Will you have rules for the storage units? (Association will set rules) Where will people wash boats? What about leaks from boats or other contaminants? (Could look at a catch basin or pad for boat washing) Will buildings have concrete floors? (Yes) Do they have a firm commitment from the Sewer District? (No) Where do the contaminants go in a catch basin? (No definitive answer)

Chuck Gough – Has comments both for and against. Does favor the storage units because the developer would be keeping their commitment to the Marina Association. Does not think the residential lots provide enough area for building. Does not think the 15-foot easement for the bike path should be on the West side because it would eventually have to cross Holt Drive to have access to the golf course.

Kirsten Holland, of Co. Planning Office, noted that a 15-foot easement on the East side of Holt would leave virtually no room for building sites on the residential lots. The Conditional Use Permit does not have an allowance for condo storage and doesn't understand the rationale.

Bryan Long, representing the applicant, stated storm drainage could be solved with a catch pond. The bike path easement was an extension of the easement created with the Lake Point subdivision.

BLUAC comment:

Hanson – Is it appropriate to apply for both residential and commercial uses in one application? Answer: Holland stated it is often done in large projects where there is mixed use, such as the application next on the agenda.

Clarice Ryan moved the application be approved with the recommended conditions the Co. Planning Staff include in their report, and recommends the applicant address ground water drainage, the applicant provide an oil/contaminate catch basin for washing boats and RV's, dedicate a bike path on the west side of Holt Drive, and add a berm on the west side of Holt Drive to camouflage the storage units. Darrel Coverdell seconded the motion. Motion passed with Bourquin, Ryan, Naïve, Coverdell and Guerrant to approve, Hanson and Gonzalez disapprove.

The Flathead County Planning Board will hear the application on October 11, 2006, 6:00 PM at the Planning Office at 1035 First Avenue West, Kalispell.

Item 2: A request by Swan Mountain Partners, LLC, for a Preliminary Plat approval of Saddlehorn Subdivision, a one hundred sixteen (116) lot mixed-use Major Subdivision and Planned Unit Development on 240 acres. Lots in the subdivision are proposed to have public water and sewer systems. The property is located south of MT highway 209 in Bigfork.

Staff: Nicole Lopez Stickney presented PUD details for the application of 240 acres zoned SAG5 for residential-mixed use. There will be 35% commercial use with a bonus density of 96 units with the PUD. Entry road is a 60-foot easement with a 24 foot paved surface. Internal roads propose to have a 40-foot easement with 16-foot paved surface with 2 to 4-foot gravel/grass shoulders. Additional uses proposed are a maintenance facility, receiving center, store, post office, transportation center, fire hall and employee housing. Pedestrian/cart paths proposed throughout with 51% of the area (approx. 118 acres) set aside for open and natural areas. Buildings will represent a rustic western theme throughout the project, in keeping with the natural environment. Project will include water and sewer extensions. Applicant is working with the Ranch Subdivision to provide additional water tank storage and emergency access to Ranch Road. The project is part of the 800 acre Quarter Circle Neighborhood Plan approved by the Commission. Project includes five phases with the first phase-estimated completion in 2008 and final phase estimated completion in 2015. The plan does fit the environment and area well.

Kirsten Holland added comments to the Subdivision application. She offered kudos to the developer for providing BLUAC and the community a preview of the proposal 30-days in advance to presenting the application for approval. Holland indicated the Planning Office is comfortable with moving the application through the process with the Flathead Planning Board and Commission. Holland did comment that the project might impact the Bigfork School system with the inclusion of employee housing.

Applicant: Doug Averill presented the Committee with an over-all concept for the project. He stated the total acreage of the Neighborhood Plan is planned from start to finish with a long-range vision. The buildings will be constructed out of sight of the highway and behind natural ridges on the property, maintaining the view shed by keeping visible land in a primitive state. Housing will be subordinate to the land by minimizing square footage and small character roads. The project has been evaluated by LEED (Leadership in Energy and Environmental Design), which provides a benchmark for the design, construction and operation of high performance green buildings. Criteria include sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. The website is USGBC.org. The project will include 8 miles of trails. The trails are designed to compliment the trails planned on the Hwy 35 improvements scheduled in two years. PP&L has started fire reduction work on their adjoining property. The lodge and club portion of the project will be maintained and operated by the Averill family. The marina in Woods Bay will be rebuilt to contain a convenience store, gas dock, public dock (4 docks with 36 slips). The lagoon will be cleaned up and slips made available for rental by the public. The gravel pit, north of the marina will contain boat storage designed to blend into the environment. All building sights have been selected to follow the terrain.

BLUAC Questions:

Guerrant – questioned the height of the lodge in regard to fire safety. Answer: there will be sprinkler systems installed plus the availability of the Fire Hall on the property. Guerrant also questioned how snow plowing will work with the narrow roads and shoulders packed with snow/ice. Answer: The project will have on-site maintenance.

Ryan – How will parking be managed? Answer: No parking will be allowed on roadways.

Guerrant – Does the 49% open space include future development? Answer: Open space will either be true open space or activities such as a swimming pool or equestrian center.

Gonzales – Questioned the pink areas on the map. Answer: The area indicates future development within the 800-acre neighborhood plan.

Coverdell – Concerned about traffic on Hwy 209. Can you have a turn lane for entry to the complex? He expressed concern of potential traffic hazards and believes a turn lane would solve that. Answer: There would be minimal traffic in the winter months. The MDOT must justify and approve turn lanes. Coverdell added that there would be ongoing construction traffic to add to the traffic problem. Answer: The project provides for on-site storage and equipment storage.

Ryan – Will school busses drive through the complex to pick up children? Answer: No, the bus will pick up children at Hwy 209.

Hanson – Will the project be subject to impact fees? Answer: The development proposes a sales fee, which goes into a foundation in Bigfork to generate dollars in the community. The project will pay sewer hook-up fees.

Bourquin – Questioned the requested 45-foot height for some of the buildings. He does not want to set a precedent in Bigfork. Answer: The project has agreed to special conditions and mitigation. Holland added that a PUD is protection and takes into consideration the unique environment and the fact the buildings will not be seen from the highways. Bourquin also questioned the 5-foot setback between cabin areas. Answer: The PUD calls for 2 units on 5 acres and would not affect density; further the cabin units will be offset and not side-by-side. Bourquin asked how many employee-housing units would be built. Answer: Eventually dozens with mini areas for dormers and apartments. There may be some impact to the school system from the employees regardless whether they are housed on the property or in the Bigfork Zoning area.

Ryan – Asked about landscaping and lawns. Answer: There will be limited lawns. Most of the landscaping will be natural.

Bourquin – Asked about a turn lane on the Hwy 35 side of the project. Answer: The projected Hwy 35 upgrade addresses a turn lane. The developers will have a dialog with the state on both Hwy 29 and Hwy 35 when they submit the permit.

Public Comment:

Craig Wagner – Is very impressed with the plan. He commented it is wonderful to see such a complete, comprehensive plan including a firehouse, water tank and other great features.

Jim Hansen – Will the water tank be installed with this project? Answer: The developer and BWS applied in August, 2006, for a grant to design and install a 260,000 tank on the property. Hansen asked whether Ranch Road would be used and what impacts the project will have on that road. Answer: Yes, we will bring the road up to county standards.

Bourquin – What is construction timing with Bigfork Water & Sewer? Answer: The BWS plant upgrade will not be completed until 2009. We do not expect to have substantial development before the plant is completed.

George Darrow – Bigfork has the opportunity to have a “companion community” with this project. The project fits into the image of Bigfork By the Bay. I like that this is not a developer who is thinking of square feet equating with dollars. These folks will be here and not move on after development. I believe this is a significant addition to the community.

Don Loranger – Support George Darrow’s comments. We ought to run up the flag. This sends a message to other developers about attention to detail, etc.

Leslie Budewitz – Agree with George and Don. I am concerned with the impact on Hwy 209. I drive this road every day and look forward to clarifications by DOT.

Chuck Gaugh – Question the 5-foot distance from lot lines. Asked if this is measured from the foundation or overhang. Answer: The measurement is from the foundation.

Elna Darrow – Will cabins be all lined up next to each other? Answer: The setback isn’t a problem. All units will be off set. It will not be “row” housing

BLUAC:

Phil Hanson moved to accept the application with emphasis on the recommendations submitted by the Planning Office with the PUD. Shelley Gonzales seconded the motion. John Bourquin moved to amend the motion to include a recommended condition to include a left turn lane on Hwy 209 and Hwy 35. Paul Guerrant seconded the amended motion. Chairman called for a vote on the amendment to the motion. Motion passed with Naïve dissenting. Chairman called for a vote on the motion to accept. Motion passed unanimously.

Mary Jo Naïve moved that a statement be attached to the approval “BLUAC commends Saddlehorn for voluntarily providing a preview of the plan and on-sight tour 30 days prior to the application being presented for consideration.” Darrel Coverdell seconded the motion. Motion passed unanimously.

The Flathead County Planning Board will hear the application on October 11, 2006, 6:00 PM at the Planning Office at 1035 First Avenue West, Kalispell.

Chairman Bourquin called for a five-minute break at 6:55 PM.

Meeting was called to order at 7:05 PM

COMMITTEE REPORTS:

Steering Committee Report:

Don Loranger reported a few changes in the Bigfork Growth Plan draft. He noted the BSC is still waiting for updated maps and replaced the data in the transportation section with updated information regarding the proposed Hwy 35 project. Don gave a Power Point presentation on the essentials of the draft plan. There was a suggestion of holding a special BLUAC meeting just to cover the draft document. Clarice Ryan suggested adding “public comment” to one of the slides.

Al Johnson, co-chairman of the Land Use and Natural Resource committee, noted that the versions he has seen of the draft plan are different from what the committee presented to the BSC Executive Committee for inclusion in the plan. He noted the draft plan has not been presented to the BSC committee as a whole with copies available for study. Johnson presented BLUAC with copies of material he suggests would make wording clearer, plus a copy of the original committee report.

After discussion, it was decided to hold a Special Meeting of BLUAC on Thursday, October 5, 2006, 1:30 PM at Bethany Lutheran Church to discuss the draft plan.

Bill Meyer asked when the public would have the opportunity to comment on the draft plan. Meyer was told there would be several public meetings scheduled with announcements in the media and the regular posting areas for BLUAC.

Bylaws:

The committee studied comments by Jeff Harris on the Bylaw amendments submitted to the Flathead Planning Office and Commission. Several changes and additions were made to the document. The committee will review the changes again at the Special Meeting October 5, 2006.

Branding Iron:

Communication with BWS and the Planning Office was discussed regarding the Branding Iron commercial project on Hwy 35. BWS stated the project must extend an 8" water main to the project. Planning Office stated the developer decided not to proceed with a subdivision review for the condominium development. The developer opted to go ahead with a traditional rental development, which would not go through subdivision review. Offices are a permitted use in the current business zoning. They will be required to receive an approach permit from MDOT. There were questions to what is to prohibit the developer from later selling the individual offices. Staff told the Committee the only way to prevent that was to file a zoning violation with the County.

NEW BUSINESS:

The Committee discussed an email from Rick Trembath, from Bigfork Fire Department, regarding a proposal to discuss with BLUAC the possibility of a site to serve the future needs of local emergency services. He would like to review the current situation and present some concepts and possibilities. Trembath has contacted the BSC and will present a program on the National Fire Plan Grand and "Firewise" program. The program covers wildfire risk in and around our community. BLUAC will put Trembath on the agenda for the October 5, 2006 Special Meeting.

Meeting was adjourned at 8:30 PM.

Sue Hanson
Secretary